

Hazardous Waste Management Commission Report

Quarterly Report

April through June 2009



Missouri
Department of
Natural Resources

A monitoring well at Bee Cee Manufacturing Superfund Site in Malden.

Hazardous Waste Management Commissioners

Patrick M. Gleason, Chair

Andrew Bracker, Vice-Chair

Ben Kessler

James T. "Jamie" Frakes

Elizabeth Aull

"The goal of the Hazardous Waste Program is to protect human health and the environment from threats posed by hazardous waste."

For more information

Missouri Department of Natural Resources

Hazardous Waste Program

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**Missouri Department of Natural Resources
Hazardous Waste Program**

June 2009 Program Update

Another Fiscal Year come and gone. There are no fireworks or midnight countdowns to mark the end and beginning of a fiscal year, but they are observed with a brief moment of reflection.

For the Tanks Section, fiscal year 2009 was productive. Four-hundred and seventy underground storage tanks were properly closed. That is a remarkable statistic, and the Tanks Section deserves recognition for their efforts to protect human and environmental health in Missouri.

The Superfund Section has been working on five-year reviews for various sites. These required reviews may be time-consuming, but are absolutely necessary to make sure the site, and the contamination, is behaving as expected. If there is an underground plume, or area of contamination, this would mean making sure the contamination is not moving in an unexpected manner. Five-year reviews also provide an opportunity for us to engage the community, hear their concerns and reinforce the fact that we and they are still involved with cleanup decisions. These regular reviews are a critical component of cleanup decisions and serve as one aspect of the long-term stewardship efforts necessary when contamination or residual waste remains at a site as part of a risk-based decision. The goal is for sites to remain suitable for continued use as long as the site conditions and their use occur as planned.

Another intensive duty performed by staff is the issuance and modification of hazardous waste permits. The businesses described in the permits section of this report have complex processes at their facilities that in some way or another involve hazardous waste. The permit writer must be familiar with nearly every aspect of a facility's operations in order to write a permit that is both protective of environmental and public health and not overly restrictive to the business.

The Missouri Waste Control Coalition Annual Environmental Conference was held in June. Our Brownfields Program and Tanks Section were sponsors of the conference and both presented a day's worth of training. This conference has become a major destination for those involved with environmental and hazardous waste issues in Missouri. I am proud the Hazardous Waste Program has been able to contribute to the conference's growing success. Staff from every section of our program attended at least some of the training sessions, with many of them conducting or moderating a session.

Conferences give us the opportunity to converse and meet with contractors, consultants, business owners, local governments and others involved with environmental issues in Missouri and it affords those who attend an opportunity to easily ask many questions and discuss various issues with our staff and other DNR Programs in a convenient manner.

The Fees and Taxes Unit of the Budget and Planning section may have the most regular contact with the regulated community. As explained in this report, the process of hazardous waste generator registration and reporting is a year-round task. One thing not mentioned is the amount of time they spend assisting generators with registration and reporting. While some of the assistance is conducted electronically, many question and answer sessions occur through phone conversations. We don't want to issue notice of violations, so we try to be available and helpful to businesses that may have questions or concerns.

Each quarterly report opens another small window into what we do here on a daily, monthly and yearly basis. It would take a lifetime to open every window in this house, but anything we can do to increase the awareness of our program is worth the effort. I hope you enjoy this report.

Sincerely,



Robert Geller, Director
Hazardous Waste Program

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Authorization

The previous rule related articles featured in earlier Hazardous Waste Management Commission reports, one on the overall rulemaking process and the other on emergency rules, have been relatively straightforward. Authorization can be a little more confusing. This article will look at where the authority of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri is formally recognized by the U.S. Environmental Protection Agency, or EPA. As with many other forms of delegated authority, authorization is granted by EPA.

EPA and the Department both have rulemaking authority. The big difference between the two is EPA's rules are effective on a national level and can not be enforced by a state, while state rules are only effective at the state level and can not be enforced by the federal government.

Simply put, the Department can only enforce Missouri laws and regulations. The Department of Natural Resources has no implicit authority to enforce EPA rules and regulations. There are instances, however, when a state's authority to implement a federal program or portion of a federal program is recognized by EPA. Authorization is the process by which states adopt their own rules and then submit them to EPA for review and approval. If the state rules meet the EPA standard for authorization, meaning the rules are not less stringent than their federal counterparts, the state is authorized to implement the rules in Missouri.

There are several steps a state agency must make to formally be granted authority from EPA through the authorization process. First, the state must propose and adopt the rule. After the rule is adopted and in effect, a state must next request authorization from EPA. EPA will review the rule to determine whether the state rule is equivalent or no less stringent than the corresponding federal rule. EPA will also review applicable state laws to ensure the state has the legal authority to implement and enforce the rule. If EPA is satisfied the state has the authority to adopt the rule and deems the state rule equivalent to the corresponding federal rule, the state is given, or transferred, the authority to be able to implement its state regulations in lieu of the corresponding federal regulations.

Think of it like a relay race. The baton is the authority to enforce a given rule. EPA starts the race by releasing a rule, and for the first part, has the authority over the rule. The Missouri Department of Natural Resources, who "trained" for the event by creating (or incorporating) an identical rule, is waiting after the turn to take the baton from EPA.

When EPA finally gets to the Department, there is a short period of time, when both parties have hold of the baton. For this time period, the Department is waiting for EPA to declare the state's rule is equivalent to the federal rule. As soon as they are deemed equivalent, EPA lets go of the baton and the Department becomes the one with the authority. This alleviates the situation where the federal and state rules overlap with both EPA and the state having legal responsibility to implement their own rules.

Instead of trying to craft and write a new rule from scratch to match up with a corresponding EPA rule, state agencies will often incorporate the federal rule by reference.

Authority is given to a state on a rule by rule basis.

When a state is authorized to implement a specific rule, it becomes the primary point of contact and has the responsibility to implement and enforce the federal standards. This means any correspondence from the regulated community can come directly to the respective state agency.

Missouri Department of Natural Resources - Hazardous Waste Program Special Topics

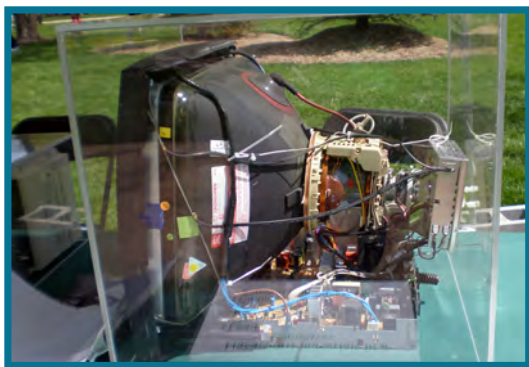
Imagine you are a permitted facility. If the state is not authorized for some of the regulations with which you must comply, permit applications and other correspondence have to involve both the respective state and federal agencies. This can mean twice as many reports, phone calls, inspections, variance requests... everything.

Missouri is authorized to implement most federal regulations adopted by EPA through June 30, 2000 and is in the process of requesting additional authorization for regulations recently adopted that include federal rules adopted through June 30, 2006. Major regulations for which Missouri is not yet authorized include used oil, boilers and industrial furnaces and universal waste.

The Hazardous Waste Program Helps Celebrate Earth Day

This year the Missouri Department of Natural Resources celebrated the 15th annual Earth Day celebration. This event was held on April 24 at the Missouri State Capitol south lawn. The 2009 Earth Day slogan was Reuse the Past, Recycle the Present, Save the Future. The slogan was submitted by 10-year old Emma Albertson, of Russellville. More than 1,500 students and teachers participated in this educational event sponsored by the Department.

The Hazardous Waste Program has participated in this event for many years. In keeping with the theme, the program focused on recycling electronics and cleaning up hazardous waste. With regard to recycling e-scrap, the program was fortunate to have a cathode-ray tube monitor and central processing unit, or CPU, with their outer, plastic shells removed. Clear plastic cases were placed over the monitor and CPU so children could see the hazardous parts and the recyclable parts. The computer components were sent by Dave Beal of EPC E-Scrap Center, an electronics de-manufacturing operation.



Schoolchildren at the Department's Earth Day festivities were able to safely peer at the inner workings of a cathode ray tube monitor while Hazardous Waste Program staff explained what was hazardous and what could be recycled.



Hazardous Waste Program Staff, from left, Elizabeth Kleithermes, Hillary Wakefield, Desiree Pigford and Patrick Anderson show schoolchildren the inner components of a computer and let them identify which everyday items may be hazardous.

The program also provided students with the opportunity to determine which everyday objects might contain hazardous materials. For example, a toy may contain lead paint but a plant or book would not contain hazardous materials. Overall, it was a very educational and yet fun day.

The Hazardous Waste Program staff were able to share their knowledge and the children learned about hazardous waste.

Hazardous Waste Forum

On April 8, the Hazardous Waste Program hosted a Hazardous Waste Forum at the Department's Elm Street Conference Center in Jefferson City. More than 80 representatives from Missouri businesses, universities, environmental organizations and city and state government, attended the forum.

The morning session consisted of updates about various hazardous waste related issues, including Missouri Risk-Based Corrective Action, other rulemaking efforts and an introduction to two different workgroups – the Health Profile Workgroup and a Container Management Workgroup.

Attendees broke into two different workgroups for the afternoon portion of the forum: the Health Profile and Container Management Workgroups. The Container Management Workgroup discussed various container management regulations, particularly containment, protective equipment and labeling. A smaller subgroup was formed to look at proposals and comments voiced during the workgroup meeting.

The Health Profile stakeholders workgroup reviewed and edited proposed Health Profile rule language. After agreement has been achieved by the workgroup, the proposed rule timeline will be initiated. If all goes smoothly, the proposed rule could be effective by June 2010. It was also decided a guidance document is needed to help clarify what will be required with the proposed rule. The workgroup will try to initiate writing the guidance document by mid-summer and have the guidance document finalized prior to the rule becoming effective.

Budget and Planning

The Fee and Tax Unit in the Hazardous Waste Program's Budget and Planning Section is responsible for several activities related to hazardous waste generators. These activities include registration, reporting and fees.

Registration

All companies or individuals generating a regulated amount of hazardous waste are required by federal and state law to register with the Department of Natural Resources. Regulated generators generate more than 220 pounds of hazardous waste in a calendar month or accumulate that amount before it is shipped off-site.

- Small Quantity Generators generate between 220 and 2,200 pounds of hazardous waste in a calendar month or accumulate 220 pounds or more before shipping it off-site.
- Large Quantity Generators generate more than 2,200 pounds of hazardous waste in a calendar month.

When generators register, they are assigned EPA and Missouri identification numbers. These numbers are assigned to a specific address and remain associated with that address regardless of who is located there. If a registered company or individual goes out of business or moves and another company or individual moves to that address and needs to register, EPA and Missouri identification numbers already assigned to that address do not change. The name associated with the registration for a particular address may change, but the identification numbers associated with that address will not.

When generators initially register or have to reactivate an existing registration, they must complete a *Notification of Regulated Waste Activity* form (Form 780-1164) and pay a \$100 registration fee. For the registration to remain active, a \$100 renewal fee must be paid each following year. Invoices for the registration renewal are sent out each year in mid-November and must be paid on or before the following Jan. 1. A statutory late fee of 15 percent is charged for renewal fee payments not paid in full by Jan. 1.

Registration fees are paid to cover a given calendar year. A generator who initially registers after Sept. 30 of any year is not required to pay the renewal fee for the first calendar year after the initial registration.

Reporting

All hazardous waste generators required to register must file a *Generator's Hazardous Waste Summary Report* (Form 780-1097) for each reporting year (July 1 to June 30 of the following year). These reports summarize all waste generated and shipped from the generator's registered site.

- Small Quantity Generators are required to report annually with their report due to the Hazardous Waste Program by Aug. 14 (45 days after the end of the reporting year).
- Large Quantity Generators are required to report quarterly with their reports due to the Hazardous Waste Program within 45 days after the end of each reporting quarter. The quarterly report periods are July through September (due Nov. 14), October through December (due Feb. 14), January through March (due May 15) and April through June (due Aug. 14).

Treatment, storage and disposal facilities in Missouri are required to file a *Facility Summary Report* (Form 780-0408) on all hazardous waste they have received from off-site as well as any hazardous waste they generate and manage on-site. They must also file a *Generator's Hazardous Waste Summary Report* for any waste shipped off-site. Treatment, storage and disposal facilities are required to file quarterly reports with the same due dates as generators.

Missouri Department of Natural Resources - Hazardous Waste Program

Budget and Planning Section

Notices of Violation are sent around Feb. 15 to generators and treatment, storage and disposal facilities that have not reported as required. Those who do not file their reports by about April 15 are referred to the Hazardous Waste Program's Enforcement Section.

Fees

In addition to the registration fee, generators and treatment, storage and disposal facilities are required to pay other fees based on the amount of hazardous waste they generate or receive from outside Missouri. Invoices for these fees (including the registration renewal fee) are sent by the Hazardous Waste Program in mid-November with a statutory due date of Jan. 1. These fees are:

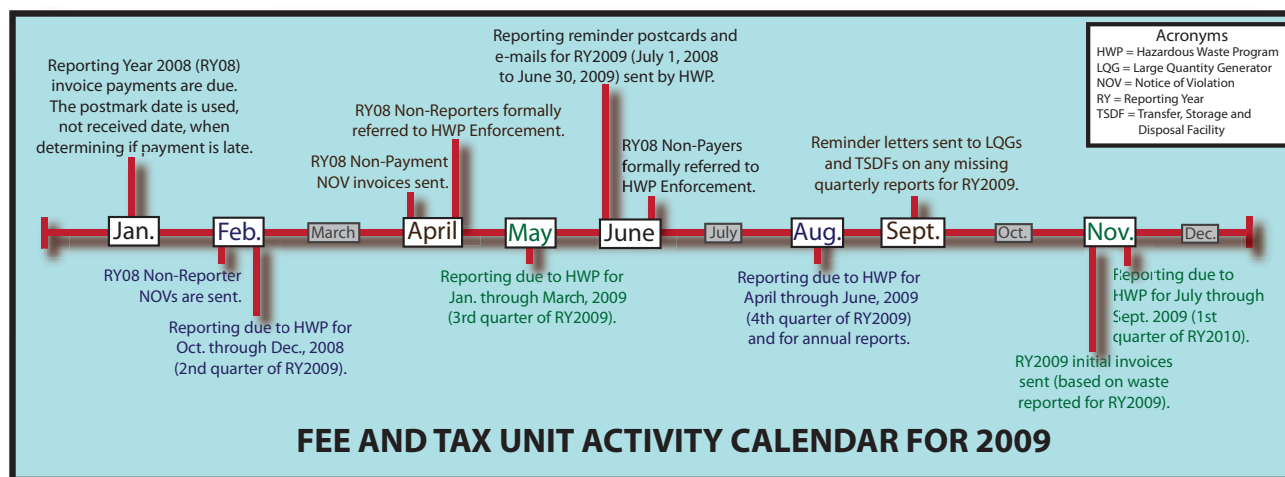
- **In-State Waste Fee** – Paid by generators and treatment, storage and disposal facilities generating a reportable amount of waste. The fee is based on tons of hazardous waste reported as generated and shipped off-site or generated and managed on-site. The rate is \$5 per ton with a minimum of \$150 per generator site and a maximum of \$52,000 per site annually.
- **Land Disposal Fee** – Paid by generators and treatment, storage and disposal facilities disposing of hazardous waste into or onto the soil. This is based on tons of hazardous waste that are land disposed, but not paid unless the generator has 10 or more tons. The rate is \$25 per ton and has no maximum.
- **Out-of-State Waste Fee** – Paid by treatment, storage and disposal facilities and based on the amount of hazardous waste the facilities receive from generators located outside of Missouri. The rate is \$2 per ton and has no minimum or maximum.

If any fee is not paid in full by the Jan. 1 due date, a 15 percent late fee on the original amount of the fee is required by statute. In addition, a 10 percent interest charge is required by statute on any amount of the Land Disposal Fee unpaid after the due date.

The Fee and Tax Unit collected the following fees based on Reporting Year 2008 data:

\$ 310,580	Registration Fees (includes late fee charges).
\$ 726,686	In-State Waste Fees (includes late fee charges).
\$ 297,935	Out-of-State Waste Fees (includes late fee charges).
\$ 259,098	Land Disposal Fees (includes late fee and interest charges).
\$1,594,299	Total.

Notices of Violation invoices are sent around April 1 to generators and treatment, storage and disposal facilities that have not paid their invoices in full or paid them after the statutory due date. Invoices still unpaid by about June 1 are referred to the Hazardous Waste Program's Enforcement Section.



Missouri Department of Natural Resources - Hazardous Waste Program Brownfields/Voluntary Cleanup Section

Carondelet School – St. Louis

In May, the Departments' Brownfields/Voluntary Cleanup Program issued a Certificate of Completion for the former Carondelet School site at 8221 Minnesota Ave. in St. Louis. This three-story school building was built in 1871. It was a St. Louis school until it closed in 1975.

The building had asbestos insulation on the old basement furnace and duct work. Some floor tile and adhesive also contained asbestos. All asbestos-containing material, including some transite panels discovered in the basement during demolition, was removed and properly disposed of using licensed contractors. Lead-based paint on walls and trim was prepared and coated with lead locking primer. An Operation and Maintenance Plan for lead-based paint describes future building management procedures. Miscellaneous materials such as old fluorescent light bulbs and ballasts, thermostats and 62 mercury thermometers from the school science room were recycled. The Department determined the site is safe for its intended use.

The building is a classic red brick three-story elementary school with large arched windows and white trim. It is listed on the National Register of Historic Places. Original features such as the chalkboards, wood floors in the classrooms and wide central hallways with front and back stairways have been preserved.

The project has been authorized by Missouri's Department of Economic Development to receive \$126,668 in remediation tax credits.

This brings the total number of sites cleaned up under the Brownfields program to 428.

Brownfields are sites where redevelopment and reuse is complicated by known or suspected contamination with hazardous substances. Through the voluntary cleanup program, private parties agree to clean up a contaminated site and are offered some protection from future state and federal enforcement action at the site in the form of a "No Further Action" letter or "Certificate of Completion" from the state.

Missouri Brownfields Conference

The Brownfields/Voluntary Cleanup Program held its 5th annual Brownfields Conference in conjunction with the Missouri Waste Control Coalition's 37th annual Environmental Conference.

The Brownfields Conference brought together almost 200 participants from at least three states, made up of city and community representatives, consultants and other stakeholders including several state and federal agencies. The annual conference provides a valuable opportunity for staff to share information as well as learn about new advances in technology. The program also hosted a Brownfields/Voluntary Cleanup exhibit in the exhibit hall along with many other sponsors.



The Brownfields/Voluntary Cleanup Program display proved to be a popular destination in the exhibit hall of the Missouri Waste Control Coalition's Environmental Conference.

The focus of the Brownfields Conference was to provide essential information about the identification, remediation and redevelopment of contaminated properties in Missouri. One workshop session included information about the various forms of assistance available to cover the costs associated with Brownfield sites. Another session provided tips for consultants that work with the Brownfields/Voluntary Cleanup Program. The favorite of many participants was the session where community partners shared their experiences with identifying, assessing, cleaning up and redeveloping Brownfield sites. Each of the three communities represented praised the Brownfields/Voluntary Cleanup Program.

Conference planners offered scholarships to participants interested in attending who were not capable of providing the financial means to attend. Ninety-two city and community officials accepted scholarships to attend the conference. Outreach staff is contacting several attendees regarding their needs for future brownfields assistance.



Brownfields/Voluntary Cleanup Program staff Carey Bridges, Jennifer Kerhle, Brian McCurren and Chris Cady after giving a presentation at the Missouri Brownfields Conference.

Missouri Department of Natural Resources - Hazardous Waste Program

Brownfields/Voluntary Cleanup Section

Sites in Brownfields/Voluntary Cleanup

	Active	Completed	Total
April	349	427	776
May	350	433	783
June	349	437	786

New Sites Received

April

East Wye Property, Springfield.
Glenstone Gardens, Springfield.

May

Habitat for Humanity 2009 Sites, St. Louis.
Habitat for Humanity JVL 2009, St. Louis.
Habitat For Humanity St. Louis-JVL Ward 19
2009 Project, St. Louis.
VCP 2839 Thomas St., St. Louis.
Beaver Express Facility, Springfield.
Earl Scheib Paint and Body, St. Louis.
St. Joseph Place, Kansas City.
Broida Brothers Building, St. Louis.

June

Chase Apartments, St. Louis.
Unitog Rental (Cintas)-Kansas City, Kansas City.
Erlbacher Building, Cape Girardeau.

Sites Closed

April

Spring Street Law Offices, Independence.
Rudy Patrick Building, Kansas City.
Cupples Station Buildings 1 and 10 -
Hammermill Lofts, St. Louis.
Old Post Office Plaza, St. Louis.
Union Electric Light & Power Bldg., St. Louis.
Steins Michigan, St. Louis.

May

Dogwood Energy Facility, Pleasant Hill.
Penrose Street, St. Louis.
Locust MG Tool, St. Louis.
St. Louis Co. Maintenance Garage, St. Louis.
Dacco Detroit Building, St. Louis.
Carondelet School, St. Louis.

June

Riley Properties, Oak Grove.
Rockhurst University South Campus,
Kansas City.
H. B. Fuller Company, St. Louis.
Stein's Buildings, St. Louis.

Drycleaning Environmental Response Trust Fund

	Active	Completed	Total
April	22	4	26
May	21	5	26
June	19	7	26

Sites Recieved

No new sites recieved this quarter.

Sites Closed

June

American Cleaners - Dorsett Road,
Maryland Heights.

American Cleaners (Southroads Shopping
Center), St. Louis.

Fosters Cleaners & Shirt Laundry, Blue Springs.

Missouri Department of Natural Resources - Hazardous Waste Program Compliance and Enforcement Section

Inspections and Assistance

Regional Office Employees:

- Conducted 114 hazardous waste generator compliance inspections:
 - 35 at large quantity generators.
 - 52 at small quantity generators.
 - 27 at conditionally exempt small quantity generators.
- Issued 32 Letters of Warning and 15 Notices of Violation to require actions to correct violations.
- Made 146 Environmental Assistance Visits to hazardous waste facilities. Environmental Assistance Visits are on-site visits with a representative of a facility. The visits are intended to improve the understanding of a permit, registration, certification, report or other similar requirement. Environmental Assistance Visits provide an opportunity to enhance environmental compliance with regulations.
- Received 90 citizen concerns regarding hazardous waste.

Hazardous Waste Program Compliance and Enforcement staff:

- Conducted four inspections of noncommercial treatment, storage and disposal facilities and six inspections of commercial treatment, storage and disposal facilities.
- Conducted two case development inspections.
- Made three Environmental Assistance Visits.

Tanks Compliance and Enforcement Unit:

- Continued to address noncompliance issues found during compliance inspections. At the end of the State of Missouri's fiscal year 2009, the unit entered, reviewed and responded to 1,329 compliance inspections.
 - Of those, 888 corrected their violations, many with compliance assistance from the unit. The remaining 441 still need additional follow-up from staff to assure all violations have been addressed.
- Continued to address the financial responsibility violations as a priority issue.
 - There were 28 facilities referred to the unit with financial responsibility violations. Staff were able to negotiate settlement agreements with 14 facilities to return them to compliance with financial responsibility requirements. Two facilities were referred to the Attorney General's Office for legal action. The use of the expedited referral process approved by the Missouri Hazardous Waste Management Commission makes it possible for staff to address these violations in a time-effective manner, allowing time for the case managers to assist with the inspection reviews.

Polychlorinated Biphenyl Inspectors:

- Conducted 25 compliance inspections at various types of facilities throughout the state. The reports are forwarded to the U.S. Environmental Protection Agency Region 7, which has authority for taking any enforcement action that may be warranted according to the Toxic Substances Control Act.

Hazardous Waste Transporter Inspector:

- Conducted 46 commercial vehicle inspections during which three vehicles were placed out of service. As part of the Commercial Vehicle Safety Association's protocol, the Department sends the reports to the Missouri State Highway Patrol. When the transporter corrects the violations, he or she certifies to the patrol the violations were corrected.

As of June, there are 209 licensed hazardous waste transporters in Missouri.

EBV Explosives Environmental Co. or EBV, Joplin

On April 13, a Settlement Agreement was finalized with EBV. Violations were observed at this facility during an inspection started on July 22, 2008. Two hazardous waste containers were not properly closed during storage, in circumstances that suggested this had been occurring for an indefinite time. After negotiation, EBV agreed to pay a penalty of \$3,800 for its violation. Around April 30, 2009, the penalty check was tendered to the Jasper County School Fund by the Attorney General's Office.

Solvent Recovery LLC, or SRC, Kansas City

On May 20, a Settlement Agreement was finalized with SRC. Violations were observed at this facility during an inspection started on June 25, 2008. SRC was observed storing hazardous waste in two containers in poor condition and in one leaking container. After negotiation, SRC agreed to pay a penalty of \$2,200. Around June 10, 2009, the penalty check was tendered to the Jackson County School Fund by the Attorney General's Office.

New Listserv Postings

For the past quarter, the Enforcement and Compliance Assistance Listserv for Hazardous Waste Generators continued its topic of Missouri-specific regulations. It is vital to inform Missouri generators of the unique regulations that apply to them, and the listserv is the ideal forum for this type of outreach. Over the past three months, topics included resource recovery certifications, recycling hazardous waste and storing ignitable or reactive wastes more than 50 feet from the property line. Also discussed was the use of North American Industry Classification System and Standard Industrial Classification system. Next quarter we will cover more Missouri-specific regulations. Subscribe to the listserv on the Web at www.dnr.mo.gov/env/subscribe_ecahwg.htm.

Kansas City Plant, Kansas City

On April 7, a developer was selected for the construction of a new facility for the Department of Energy's National Nuclear Security Administration, or DOE/NNSA, Kansas City Plant. The General Services Administration announced a joint venture between the Zimmer Real Estate Services and CenterPoint Property Trust who will develop the project. The General Services Administration will manage contracts for the construction work. Construction could begin in summer 2009, but may be delayed by a lawsuit filed in federal court by the Natural Resources Defense Council on Oct. 8, 2008. The lawsuit asks that construction of the new facility be stopped until an Environmental Impact Statement has been completed for the new facility and the cleanup of the current facility.

An Environmental Assessment was conducted in 2007 and 2008. The assessment considered the proposed new location, located south of Kansas City in Belton, as well as several alternatives for a new facility within the current Bannister Federal Complex. The assessment included one public scoping meeting. A finding of No Significant Impact was made in April 2008. The 404/401 permitting, a requirement from the Clean Water Act, was completed in May 2008. A Mitigation Action Plan was also completed. DOE/NNSA believes the choice to conduct an Environmental Assessment rather than a full Environment Impact Statement can be defended in court.

Upcoming milestones include awarding a lease, completion of the Planned Industrial Expansion Authority review process for tax incentives for the project, land disturbance permitting and a storm water operating permit.

Department of Natural Resources' staff serve on committees with DOE/NNSA and General Services Administration as members of the Agreement in Principle program. The committees address issues for both the new site and the current site and have met with concerned members of the public.

The Kansas City Plant produces or procures 85 percent of non-nuclear components for the nation's nuclear weapons complex and has operated in its current location since 1949. The new facility would be smaller, more efficient and less expensive to operate.

Missouri Department of Natural Resources - Hazardous Waste Program Federal Facilities Section

Weldon Spring Site, Weldon Spring

On May 6, a public meeting was held at the Department of Energy's Weldon Spring Site to present the results of the annual inspection conducted in October 2008. No significant issues were noted. The primary area of interest remains the erosion channels within the 300-foot buffer zone around the disposal cell. The Department of Natural Resources, Department of Energy and EPA continue to monitor the erosion. At the conclusion of the meeting, members of the adjourned Weldon Spring Citizen's Commission were honored for their years of volunteerism at the site. Members of the commission were thanked by the Department, presented awards from Department of Energy and proclamations from the Missouri State Senate, specifically Sen. Mark Rupp's office.

Weldon Spring Ordnance Works, Weldon Spring

On March 31, a technical meeting was held at Weldon Spring Ordnance Works, a Department of Defense site, to discuss five-year review sampling activities and public outreach requirements. Public outreach components included public notices, interviews and a meeting.

A public meeting, hosted by the Army, was held June 9 at the Department of Energy Interpretative Center located in Weldon Spring. The meeting focused on five-year review sampling activities performed and key measures for ensuring the current remedy is protective of human health and the environment. A finalized report is expected to be submitted this summer to the Department for review, and should be available to the public in September.



A representative from Sen. Rupp's office, presents Weldon Spring Citizens Commission member Paul T. Mydler with a proclamation signed by the senator.



The Weldon Spring Citizens Commission poses with proclamations signed by Sen. Mark Rupp. Bob Geller, Director of the Hazardous Waste Program, far right, thanked the citizens for their many years of volunteering.

Missouri Department of Natural Resources - Hazardous Waste Program Federal Facilities Section

U. S. Department of Agriculture Former Grain Bin–3M Nevada Site, Nevada, MO

The Missouri Department of Natural Resources receives funding from USDA through an Intergovernmental Agreement. The agreement provides for the oversight and assistance with the investigation, characterization and remediation of former grain bin sites within the state. The main contaminant of concern associated with former grain bin operations is carbon tetrachloride and its associated degradation products. Carbon tetrachloride was historically used for pest control around grain silos.

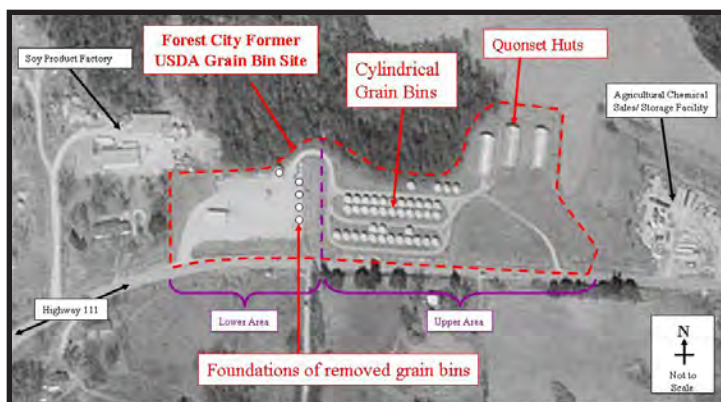
Through a Hazardous Waste Program Site Forum, the Federal Facilities Section was informed about a potential USDA former grain bin site. Site forums are internal program meetings designed to allow project managers to share experiences and lessons learned about their projects. Federal Facilities Section staff attended a meeting hosted by the RCRA Permits Section, along with site owners, consultants and responsible parties to discuss a site in Nevada, Missouri that involves a potential former USDA grain bin site. The property is currently owned by 3M.

After conducting research about the history of the USDA operated grain bins in the state, it was discovered the Nevada site was included in the original site inventory list, but was excluded from the initial screening process when the location of the site was unable to be found. Preliminary review of title records for the property showed a portion of the site was purchased by 3M and leased to USDA, which may have operated and managed the site for use as a grain bin from the 1950s to 1960s. The Department continues to coordinate with USDA on appropriate cleanup actions for the Nevada site under current agreements.

Initially, four sites were targeted for additional investigation through the agreement with USDA. They are located in Savannah, Albany, Forest City and Montgomery City. Initial site investigations have been conducted in Savannah and Albany. One impacted well discovered near the Albany site resulted in installation of a whole house water treatment system. USDA is currently working toward a second phase of investigations at the Savannah site and initial investigations at the Montgomery City former grain bin site. The Department will review work plans for this upcoming work and also aid USDA in its efforts by researching any sites similar to Nevada in need of initial screening.



Circular concrete slabs are all that remain of a former USDA grain bin.



This site sketch of Forest City Former USDA Grain Bin Site shows the location of grain bins as well as foundations of removed grain bins.

The Permits Section is nearly finished with the permitting process for several hazardous waste permit re-issuance applications and a substantial permit modification.

American Airlines MCI Maintenance and Engineering Base, Kansas City

The MCI Maintenance and Engineering Base is located in north Kansas City and borders the Kansas City International Airport. The property is owned by the City of Kansas City with American Airlines (formerly Trans World Airlines Inc.) operating at the site under a lease.

A variety of aircraft maintenance-related activities have occurred since the facility's original structures were built in 1956. Two closed hazardous waste surface impoundments were in operation from 1972 through 1987. A hazardous waste landfill, now closed, was used as a disposal point for approximately 51 million cubic yards of excavated soils, construction debris, industrial waste materials, paint stripping and possibly wastewater treatment sludge. Additionally, there have been several documented petroleum fuel spills.

On Aug. 7, 1998, the Department and EPA issued a hazardous waste permit for post-closure care and corrective action activities to American Airlines and Kansas City. Since then, the final corrective action remedy has been put into place at the site by American Airlines.

The Department is currently in the process of renewing American Airlines' hazardous waste permit. The draft hazardous waste permit will have no major changes from the original permit. It requires continued post-closure care activities for the two closed surface impoundments and closed landfill and would continue a groundwater monitoring program.

American Airlines submitted a Class 3 Permit modification request on June 13, 2006. The modifications proposed switching from a compliance monitoring to a corrective action monitoring program and changing the existing groundwater monitoring program. Changes to the groundwater monitoring program included reducing the sampling frequency from twice a year to once a year, changing the indicator parameters being analyzed and changing the number of wells included in the groundwater monitoring program. The Department postponed the decision regarding the Class 3 Permit modification request until the reissuance of their hazardous waste permits. The modifications are included in the draft hazardous waste permits.

EBV Explosives Environmental Company, Joplin

EBV Explosives Environmental Co., located in Joplin, is a reactive waste management company that analyzes packages and sends reactive wastes to their incinerator. EBV treats reactive wastes, off-specification and outdated explosives and explosive devices, pharmaceuticals containing nitroglycerin and propellants. The explosives manufacturing industry, government agencies, such as the Department of Defense, and several other manufacturing companies produce these reactive wastes.

Since Feb. 22, 2008, EBV has submitted two Class 3 Permit modifications for expansion of their facility. The first modification, finalized on March 20, 2009, was for the construction of a new building for the demilitarization and treatment of M42/M46/M77 submunitions from Class 1.1 D military munitions. The proposed treatment includes four thermal treatment chambers to deactivate the submunitions bodies and four static kilns to deactivate the fuses. These four lines will be able to process up to 2,000 pounds of hazardous waste per hour.

The second modification was requested for the construction of a building to treat Multiple Launch Rocket System rocket motors. Treatment of the rocket motors would include two pre-processing operating lines and an air pollution control system. The air pollution control system would consist of a cyclone separator to remove aluminum oxide, an expansion chamber to buffer the temperature, a spray



EBV Explosives Environmental Company in Joplin.

fryer to neutralize the chlorine and acid gases and a baghouse to filter the particulates. Induced draft fans would pull all emissions from the chamber through the system to the stack.

The Department invited the public to review and offer written comments about the draft hazardous waste permit modifications for the latest submitted modification request through Aug. 6. Only conditions being modified were open for public comment. All other conditions of the original permit will remain in effect for the length of the permit.

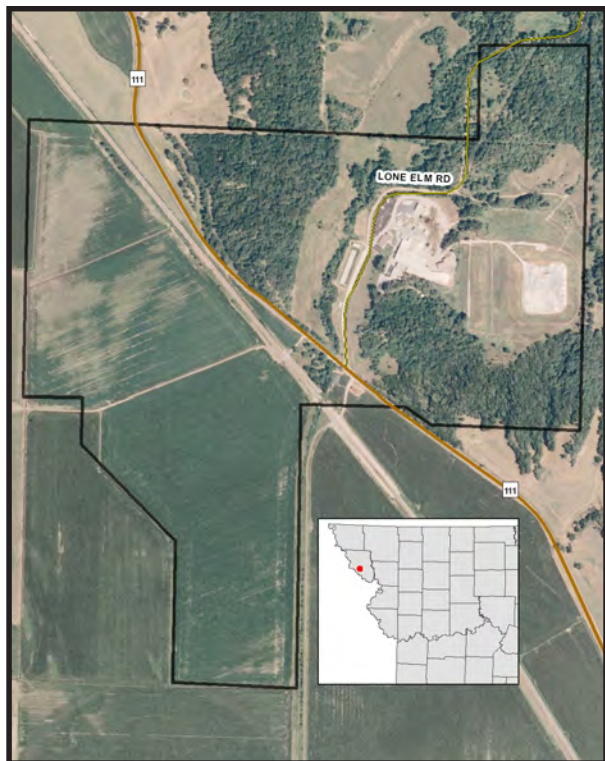
EBV built four new buildings in the last 15 months to house the operations described above. More than 40 new jobs will be created at the plant with these two permit modifications. This is in addition to the local construction jobs over the last 12 months and many local transportation jobs added for incoming munitions and outgoing scrap metal.

Exide Technologies - Canon Hollow Recycling Center, Forest City

Exide Technologies operates a secondary lead smelting plant, known as the Canon Hollow Recycling Center, on about 360 acres located northwest of Forest City. The Canon Hollow plant has been operating since approximately 1975.

Exide recycles lead-acid storage batteries and other lead-bearing raw materials into new metallic lead ingot at the Canon Hollow plant. Exide also recovers battery acid, which is collected, filtered and recycled. Exide ships the plastic chips from the battery cases off-site. Under its current hazardous waste permit, Exide is allowed to store hazardous wastes in containers and containment buildings, treat hazardous waste in a stabilization unit, dispose of hazardous waste produced by Exide in an on-site landfill and conduct post-closure care of a closed landfill.

The Department and EPA issued a hazardous waste permit to Exide in 1988 and are currently in the process of renewing this permit. In the container storage areas, Exide is allowed to store industrial and nickel-cadmium batteries, containerized air pollution control scrubber sludge and wastewater sludge produced at the on-site treatment plant and certain lead-bearing hazardous



Exide Technologies is located on 360 acres in northwest Missouri.

waste materials to be processed through the smelter. A new battery storage building, with a capacity of 1,500 cubic yards is being proposed with this permit renewal. The new building would be required to be built within five years.

Exide is also allowed to dispose of treated air pollution control scrubber sludge and wastewater sludge produced at the on-site treatment plant and certain waste in an on-site hazardous waste landfill, Landfill 2. Landfill 2 is designed for phased construction and use. Phase I began operating in 1991. Phase II construction will begin within four years of the date of the final Permits. Phase III will be constructed as Phase II approaches capacity. Landfill 2 has an overall design capacity of 754,000 cubic yards

Exide is performing long-term monitoring and maintenance activities, also known as post-closure care, at a closed hazardous waste landfill, Landfill 1. The post-closure care activities consist of mowing grass on the cap,

or layer of soil on top of the landfill, and monitoring leachate and surrounding groundwater.

The Department invited the public to review and offer written comments about the draft hazardous waste permit until Aug. 10. The Department hosted a public meeting and public hearing on the draft permits on July 28, in Oregon, Mo.

GE Transportation Systems Global Signaling LLC, Grain Valley

GETS Global is located in Grain Valley and develops, assembles and performs research on the production of electronic signaling equipment used primarily by the railroad industry. The facility has been operating at the Grain Valley site since 1973. Normal operation includes inserting a variety of electronic components onto printed circuit boards. The facility employs around 375 employees.

In 1987, plant management realized the way they handled their waste circuit board cleaning solvent did not follow existing environmental laws. Before 1988, the masking resins around the solder connections had been removed with the aid of a trichloroethane, or TCA, solvent. The spent TCA solvent, an EPA-listed F001 waste stream, was collected in waste containers and combined with other plant wastes, including freon, methylene Chloride, trichloroethene, or TCE, toluene and xylene. The waste containers were poured onto the ground next to the Assembly Building. It's been estimated 3,375 gallons of solvents were disposed in this manner, with an estimated 10-15 percent evaporating. Between 1986 and December 1987, waste solvents were placed in an open-topped drum, set outside on a concrete apron and allowed to evaporate. GETS Global notified the Department of the release and changed its handling practices. In 1988, the facility changed their assembly procedures so Resource Conservation and Recovery

Act non-hazardous process wastes would be produced as end products. Since then, GETS Global established a groundwater monitoring program and soil cleanup program where the waste solvent was released. The contamination is limited to a small area on the facility property.

The Department is currently renewing GETS Global's hazardous waste permit, which is needed for continued post-closure care activities. The draft permit will have no major changes from the original permit. The permit will require post-closure care, including groundwater monitoring, to ensure the contaminant plume is not posing a threat to human health or the environment. The draft hazardous waste permit also includes financial assurance of permit activities and outlines corrective action and the options that will be pursued in the event the contaminated groundwater poses a threat due to significant off-site movement or significant vertical movement.

Five-Year Reviews

The Superfund Section conducts regular five-year reviews on certain superfund sites. A five-year review is a checkup on a superfund site that has been cleaned up with some waste left behind.

Five-year reviews also are a way to make sure the cleanup continues to protect people and the environment and give the community a chance to voice any concerns about the site.

There are six parts to the five-year review process:

- Community involvement and notification.
- Document review.
- Data review and analysis.
- Site inspection.
- Interviews.
- Protectiveness determination.

Community Involvement and Notification

The reviewer determines the level of community interest at the site. At a minimum, the community is notified a five-year review will be conducted and when the five-year review is completed. The reviewer also provides the results of the review and supporting documents to the local site repository, often a local library. The community is very important in the five-year review process and may know information that can help the reviewer (e.g., broken fences, unusual odors, new uses for land around the site, vandalism, trespassing).



Data from soil samples taken at the Quality Plating Manufacturing site will be used in the five-year review to decide if the cleanup method is protective.



The condition of the fencing and signs at the Lee Chemical Superfund site was checked as part of the five-year review.

Document Review

A review of documents is an early step in the five-year review process. All relevant documents are reviewed to determine if people and the environment are being protected by the cleanup.

Data Review and Analysis

The reviewer looks at sampling and monitoring plans and results from monitoring activities, operation and maintenance reports and other five-year review reports. The data in these reports will help determine whether the cleanup methods are protective.

Site Inspection

A site inspection is conducted to gather information about a site's current status and to visually confirm conditions of the site.

Interviews

Interviews may be conducted to provide additional information about a site's status or chosen cleanup method.

Protectiveness Determination

The reviewer uses all of the above information to determine whether the remedy or cleanup method is protective of human health and the environment.

The conclusions of the five-year review should include:

- Identification of the issues.
- Recommendations and follow-up actions.
- A determination of whether the cleanup method is protective of human health and the environment.

After the five-year review report is signed and placed in the local site repository, the community is notified the review is complete and available for review.

The Superfund section recently completed three five-year reviews:

- Bee Cee Manufacturing in Malden.
- Lee Chemical in Liberty.
- Quality Plating in Sikeston.

EPA recently completed:

- Missouri Electric works in Cape Girardeau.
- Wheeling Disposal in Amazonia.



Locks placed on monitoring wells at the Bee Cee Manufacturing site help ensure reliable data is used to decide whether the site continues to be safe.

Tanks Section holds workshop at the Missouri Waste Coalition Conference

The Hazardous Waste Program's Tanks Section held a Tanks Workshop on June 23, as part of the Missouri Waste Control Coalition's Environmental Conference. This was the second annual workshop in conjunction with Missouri Waste Control Coalition events. The Tanks Workshop was targeted toward environmental consultants who provide services to tank owners and operators and provided them with information and training regarding:

- Top 10 mistakes in a closure report.
- Spill procedures at gas stations.
- Missouri Risk-Based Corrective Action.
- How Iowa dealt with a drinking water issue.
- An update about spill prevention, control and countermeasures plans.
- An interesting scenario in which conference participants participated in a mock tank cleanup site and evaluated the project for no further action.

The workshop included Department staff along with private consultants, private laboratories and others. The Tanks Section provided an information booth as part of the conference. EPA also participated in the conference as an exhibitor and in a support role.

Replacement of High Point Elementary School Well

The High Point Elementary School discovered benzene in its drinking water in March 1999, during required periodic monitoring conducted under authority of the Department's Water Protection Program's Public Drinking Water Branch. Benzene is a volatile organic chemical that is a constituent of gasoline and diesel fuel. The maximum contaminant level, or MCL, for benzene in drinking water is 5 parts per billion, or ppb. The Department has periodically analyzed water samples from the school since March 1999. The levels of benzene contamination remained below the MCL until December 2007 when the results were 5.7 ppb. Subsequent sampling conducted in January 2008 found benzene levels of 15.4 ppb in the school's water. As a result of the benzene contamination, the school has discontinued the use of their well and is now using bottled water. The Department is currently reimbursing the school system for the cost of the bottled water.



Contractors work on installing a new drinking water well at High Point Elementary School.

The source of the benzene contamination in the school's drinking water system is not currently known. The Department has identified at least five sites in High Point that either currently operate or have formerly operated petroleum storage tanks. Of those, one is known to have had petroleum releases. The Department is conducting an investigation to determine the source of the contamination.

Missouri Department of Natural Resources - Hazardous Waste Program Tanks Section

In the meantime, the Department is continuing to use federal funding to supply bottled water to the school. In addition, Tanks Section staff developed specifications for installation of a new drinking water well to serve the school and for proper abandonment of their existing well. The consultant for the project completed the design of the new system and on July 15 the Department's Public Drinking Water Branch issued the required permit to install the system. Work to install the new system began the last week of July. The project is expected to be completed prior to the reopening of the school's fall semester.



Contractors work on installing a new drinking water well at High Point Elementary School.

Petroleum Storage Tanks FY09 Statistics

During fiscal year 2009, the Department accomplished the following work related to petroleum storage tanks:

- Properly closed 470 tanks.
- Reviewed 199 closure reports.
- Approved 129 closure notices.
- Conducted nine site investigations.
- Responded to 12 emergencies involving petroleum releases.
- Oversaw completion of 228 remediation sites.
- Issued 891 certificates of registration.

A total of 191 new releases were reported during fiscal year 2009, which is an increase of 107 releases from the previous fiscal year. Department staff were notified of 51 new installations at tank sites and received 104 new site registrations. Compliance and Enforcement Section staff resolved 71 cases involving violations. At the end of the 2009 fiscal year, there were 360 active enforcement cases. Financial responsibility compliance was at 98 percent, an increase of two percent. This number reflects insurance coverage from both the Petroleum Storage Tank Insurance Fund and other private policies and statements. There were 62 sites that were state or federally exempt. This number does not include temporary closed tanks, which are not required to have financial responsibility. The department currently regulates 3,668 facilities with 9,723 active underground storage tanks.

Petroleum Storage
Tanks Regulation
March 2009

Staff Productivity	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	TOTAL
Documents received for review	251	274	251	294	183	235	259	233	266	224	239	248	2,957
Remediation documents processed	293	201	209	207	159	150	227	218	252	249	181	225	2,571
Closure reports processed	11	37	26	18	10	20	27	12	15	8	7	8	199
Closure notices approved	12	14	5	15	7	7	8	14	17	6	11	13	129
Tank installation notices received	3	10	6	6	4	3	5	2	2	6	2	2	51
New site registrations	8	12	6	11	6	2	8	23	9	12	4	3	104
Facility Data													
Total active and closed USTs	39,130	39,157	39,182	39,204	39,230	39,685	39,710	39,751	39,790	39,821	39,853	39,895	
Total permanently closed USTs	29,258	29,306	29,353	29,387	29,403	29,853	29,900	29,968	30,024	30,048	30,093	30,122	
USTs active and temporarily closed	9,872	9,851	9,855	9,817	9,827	9,832	9,810	9,783	9,763	9,761	9,731	9,723	
USTs in temporary closure	1,092	1,065	1,019	1,003	1,023	1,033	1,014	984	982	983	968	972	
Total hazardous substance USTs	392	392	392	392	393	394	393	393	393	393	393	393	
Facilities with active USTs	3,714	3,701	3,695	3,700	3,697	3,697	3,689	3,684	3,676	3,680	3,670	3,668	

Closures

Underground Storage Tanks	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	TOTAL
Closure Reports Reviewed	11	37	26	18	10	20	27	12	15	8	7	8	199
Closure Notices Approved	12	14	5	15	7	7	8	14	17	6	11	13	129
Number of Tanks Closed (Closure NFA)	34	57	82	51	27	52	52	26	35	25	3	26	470

Cleanup

Underground Storage Tanks	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	TOTAL
UST release files opened this month	5	23	8	16	4	2	4	5	28	23	6	9	133
UST cleanups completed this month	16	22	8	4	8	12	10	25	16	19	16	13	169
Ongoing UST cleanups	1,033	1,040	1,042	1,057	1,058	1,052	1,048	1,035	1,025	1,032	1,018	1,014	
Aboveground Storage Tanks													
AST release files opened this month	1	1	0	5	0	0	2	4	2	1	0	0	16
AST cleanups completed this month	3	12	3	2	0	0	5	1	6	2	0	0	34
Ongoing AST cleanups	190	181	176	179	179	179	174	178	173	173	173	173	
Both UST and AST													
Total release files-both UST & AST	0	0	0	0	0	0	2	0	2	1	0	0	5
Cleanups completed-both UST & AST	0	0	0	0	1	0	3	1	1	0	1	0	7
Ongoing cleanups-both UST & AST	33	33	33	34	33	33	31	29	29	30	29	29	
Unknown Source													
Total release files-unknown source	0	3	1	2	0	1	1	0	0	25	1	3	37
Cleanups completed-unknown source	0	0	3	3	1	2	2	0	1	2	1	3	18
Ongoing cleanups-unknown source	144	146	143	135	134	129	125	124	121	144	141	139	
Documents Processed	293	201	209	207	159	150	227	218	252	249	181	225	2,571

Effective December 2008 tanks with unknown substance will be included in total figures. Some measures are re-calculated each month for all previous months to reflect items added or edited after the end of the previous reporting period.